

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ, ET AL.,	§	
	§	
v.	§	SA-11-CV-360
	§	
GREG ABBOTT, ET AL.,	§	

**PLAINTIFF JOINT ADVISORY TO THE COURT AND REQUEST FOR
TELEPHONIC HEARING**

As trial and pre-trial deadlines approach, Plaintiffs seek direction and guidance from the Court.

The parties have conferred about trial procedures, keeping in mind the admonitions to the parties set forth in this Court's pre-trial orders. We have done so to expedite our presentation of evidence, particularly with respect to expert trial testimony. Plaintiffs ask the Court to consider a trial day of 8 am to at least 6 pm.

Moreover, after discussion among the plaintiffs regarding witness presentation to the Court, including allocation of time for each witness, collectively, plaintiffs currently estimate needing about 18 trial hours for their case in chief (excluding cross examination of Plaintiffs' witnesses which should come out of the time allotted to Defendants). This estimate is for the House and Congressional case combined.

Therefore, Plaintiffs seek to inquire the Court's opinion on the following issues:

- a. Does the Court anticipate the trial day to go beyond 5 pm, and if so, to what time of day should the parties prepare?

- b. Plaintiffs seek confirmation that cross examination time counts against total allocation of time for the party conducting the cross examination.
- c. Does the Court anticipate hearing closing arguments in person, and if so could this occur on the Saturday after the close of testimony, or would the Court prefer the parties file written closing statements after trial in light of the compressed schedule? Also, will the Court entertain opening statements, and if so, could a party desiring to make an opening statement submit it in writing?
- d. The Court has directed that in the upcoming trial it plans to hear the State House case first and then the Congressional challenge. We understand that to mean the full House case (possibly including opening statements, too if the Court wants them live) will be heard before the congressional case begins. Several plaintiffs, however, plan to call experts whose testimony would be applicable to both the House and congressional cases. Should Plaintiffs plan to recall those experts to testify on congressional issues after their House testimony, or should Plaintiffs plan to cover both issues in a single appearance? It may conserve time if Plaintiffs call their experts only once. The same question applies for lay witnesses. Additionally, with witnesses who have testified before and are simply updating their previous reports/testimony, may the parties rely on the foundational testimony

previously elicited on the stand in order to streamline the presentation of the witness?

There also are other logistical issues on which the Plaintiffs would like the Court's guidance. For example, if the parties are permitted to admit their expert witness reports into evidence, prior to a detailed explanation of the contents, it will streamline the direct examination considerably. Moreover, Plaintiffs have been working with Defendants, have reached agreement on some factual stipulations, and are working on others so that valuable trial time is not taken up proving uncontested facts. Plaintiffs have conferred with Defendants' counsel to seek agreement on asking the Court to schedule a telephonic status call as soon as possible (and in advance of the July 7 pre-trial conference), so that Plaintiffs can better prepare to expedite trial presentations as much as possible.

DATED: June 26, 2017

Respectfully submitted,

By: /s/ Jose Garza

GARZA GOLANDO MORAN

Jose Garza

Attorney-In-Charge

garzpalm@aol.com

Texas Bar No. 07731950

Michael Moran

michael@ggmtx.com

State Bar No. 2409285
115 E. Travis St., Ste. 1235
San Antonio, Texas 78205
(210) 892-8543
Attorneys for the Mexican American
Legislative Caucus

CERTIFICATE OF SERVICE

I certify that, on June 26, 2017, I filed the foregoing advisory via the Court's ECF/CM system, which will serve a copy on all counsel of record.

/s/ Jose Garza

Jose Garza